IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 21ST JUNE 2007 / 31ST JYAISHTA 1929

WP(C).No. 7134 of 2006(Y)
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PETITIONER:
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AMEER ALI A., S/O. ABDUL RAHIMAN K.,
257, CHANDRA NAGAR, PALAKKAD.

BY ADV. SRI.P.R.VENKETESH

RESPONDENTS:
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1. THE UNIVERSITY OF CALICUT,
REPRESENTED BY THE VICE CHANCELLOR, CALICUT.

2. THE CONTROLLER OF EXAMINATION,
THE UNIVERSITY OF CALICUT, CALICUT.

BY ADV. SRI.S.GOPAKUMARAN NAIR, SC, CALICUT UTY
SRI.E.S.ASHRAF, SC, CALICUT UNIVERSITY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

EXT.P1: TRUE COPY OF THE ORDER BEARING NO. GA.I/A2/1861/81 DATED 02.02.1994 ISSUED BY THE UNIVERSITY OF CALICUT.

EXT.P2: TRUE COPY OF THE ORDER DATED 29.05.2003 ISSUED BY THE UNIVERSITY.

EXT.P3: TRUE COPY OF THE MARK SHEET DATED 26.07.2002 FOR THE 1ST SEMEMSTER EXAMINATION ISSUED BY THE UNIVERSITY OF CALICUT.

EXT.P4: TRUE COPY OF THE MARKE SHEET DATED 23.06.2003 IN FIRST SEMESTER EXAMINATION (SUPPLEMENTARY) ISSUED BY THE UNIVERSITY.

EXT.P5: TRUE COPY OF THE REPRESENTATION DATED 06.02.2003 SUBMITTED BY THE PETITIONER.

EXT.P6: TRUE COPY OF THE MARK SHEET DATED 14.05.2004 IN FIRST SEMESTER EXAMINATION ISSUED BY THE UNIVERSITY AFTER AWARDING GRACE MARKS.

EXT.P7: TRUE COPY OF THE FINAL MARK SHEET DATED 28.12.2004 ISSUED BY THE UNIVERSITY.

EXT.P8: TRUE COPY OF THE REPRESENTATION DATED 23.03.2005 SUBMITTED BY THE PETITIONER.

/True Copy/

P.A to Judge.

**KURIAN JOSEPH , J**

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**W.P.(C) NO. 7134 OF 2006**

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**Dated this the 21st day of June, 2007.**

**JUDGMENT**

The writ petition is filed with the following prayer:

issue a writ in the nature of mandamus or any other appropriate writ or order directing the respondents to grant 9 grace marks awarded to the petitioner for the paper (SHAKESPHERE)(Optional) Paper III in Ist semester be distributed among the other two papers namely, " BRITISH LITERATURE FROM THE AGE OF CHAHCER TO THE ROMANTIC AGE- Paper I and BRITISH LITERATURE FROM THE VICTORIAN AGE TO WORLD WAR II- Paper II".

2. According to the petitioner, going by Exts.P1 and P2 orders, the adjustment of mark should have been to the advantage of student. The learned Standing Counsel for the University submits that the University has acted only in accordance with rules regarding grace marks. Having extensively heard the counsel on both sides, I am of the view that the matter should be considered by the 1st respondent with some indulgence, having regard to the peculiar facts and circumstances of this case. Accordingly the writ petition is disposed of as follows:

The petitioner may file a proper representation before the 1st respondent within a period of one month from today. The 1st respondent shall consider the same with notice to the petitioner and pass appropriate orders in accordance with law and also in the light of observations contained in this judgment within another two months.

**KURIAN JOSEPH, JUDGE.**

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